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EXTRAORDINARY

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PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF RAILWAYS

(Railway Board)

NOTIFICATION

New Delhi, the 7th September 1966

G.S.R. 1331.—In exercise of the powers conferred by section 3 of the Goa, Daman and Diu (Absorbed Employees) Act, 1965 (50 of 1965), the Central Government hereby makes the following rules regulating the conditions of service of the absorbed railway employees of the Union Territory of Goa, namely:—

1. **Short title, commencement and application.**—(1) These rules may be called the Goa (Absorbed Railway Employees' Conditions of Service) Rules, 1966.
- (2) They shall come into force on the 1st day of October 1966.
- (3) They shall apply to the absorbed railway employees of the Union territory of Goa.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

- (a) "absorbed employees" and "absorbed post" shall have the same meanings respectively assigned to them in section 2 of the Act;
- (b) "Act" means the Goa, Daman and Diu (Absorbed Employees) Act, 1965;
- (c) "appointing authority" means the General Manager of the Zonal Railway or the authority to whom powers have been delegated by him in matters of Establishment;
- (d) "appointed day" means the first day of October 1966;

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(e) "existing pay" means the pay admissible to an absorbed employee immediately before the appointed day and shall include dearness allowance and dearness pay;

(f) "Indian Railway Rules" means the rules relating to conditions of service generally applicable to persons appointed to the Indian Railway Services;

3. Revision of Rates of pay of absorbed posts.—As from the appointed day, every absorbed post relating to Railways shall be brought on to such authorised scale of pay as the Railway Administration concerned may by order determine.

4. Fixation of pay in the Authorised Scale.—The initial pay of absorbed employee holding an absorbed post on the appointed day shall be fixed in the authorised scale with reference to the existing pay plus Dearness Allowance and Dearness Pay and the aggregate fixed at the next higher stage in the authorised scale on the appointed day:

Provided that if the existing pay of an absorbed employee exceeds the maximum of the authorised scale of pay, the initial pay of such employee shall be fixed at such maximum and the difference between the two shall be granted to him as personal pay.

5. Nature and adjustment of personal pay.—The personal pay will be analogous to the personal pay as understood under the Fundamental Rules and shall be adjusted against future increases in pay.

6. Leave.—The absorbed employees shall be governed by the Leave Rules 1949 and the leave standing to their credit immediately before the appointed day shall be carried forward to the maximum extent permissible under those rules.

7. Provident Fund.—The absorbed employees who are governed by the Contributory Provident Fund Rules shall be brought over to the Provident Fund system on the Indian Railways and all amounts standing to the credit of their Provident Fund accounts shall be transferred to the Indian Railways' P.F. Accounts.

8. Certain absorbed employees entitled to special contribution.—Every absorbed employee governed by the Contributory Provident Fund Rules shall be entitled to such special contribution as is admissible to any other railway employee under the Indian Railway Establishment Code.

9. Absorbed employees to have the option to be governed by the Liberalised Railway Pension Rules, 1950, etc.—(1) Every absorbed employee shall have the option to be governed by the Liberalised Railway Pension Rules 1950 and the Family Pension Scheme for the Railway Employees, 1964.

(2) Any such employee desiring to be governed by the said Rules or the Scheme shall, within six months from the appointed day, give intimation of such option to the appointing authority and the option so exercised shall be final.

10. Pension.—(1) Every pensionable absorbed employee shall be subject to the Liberalised Railway Pension Rules 1950 and the Family Pension Scheme for Railway employees, 1964 as amended from time to time, and service rendered by such employee prior to the 1st May 1963 shall be deemed to be service under the Indian Railways for the purpose of the said Rules.

(2) Notwithstanding anything contained in sub-rule (1) an absorbed employee shall, subject to his paying contributions to the pension fund as laid down in the Portuguese Pension Rules as in force immediately before the appointed day, have the option to count his service under the Portuguese Railway prior to 1st May 1963 and subsequent service under the Southern Railway for Pension in accordance with the Portuguese Pension Rules and to draw pensions calculated in accordance with articles 445 and 447 thereof instead of the pension as calculated under the Liberalised Pension Rules, 1950 and the Family Pension Scheme for Railway employees, 1964:

Provided that the pension which he may draw by virtue of such option shall not exceed the maximum pension which a functionary of Group D specified in proviso 1 of Article 91 of the Statute of Overseas Functionaries as in force immediately before the appointed day could have drawn under that statute.

Explanation I.—In the case of absorbed employees who have exercised their option under this sub rule, the personal pay, if any, shall be deemed to be part of basic pay for determining the amount of pension.

Explanation II.—Contributions made by an absorbed employee towards any pension fund under the Portuguese Pension Rules or any orders relating to such contributions shall not be refunded to him irrespective of whether he exercised the option under this sub rule or not.

(3) A person who exercises the option under sub rule (2) shall not be entitled to any gratuity, death-cum-retirement gratuity or family pension under the rules and orders referred to in sub-rule (1) or to commute his pension but shall otherwise be governed by those rules and orders except in so far as they relate to counting of service for pension and determination of the amount of pension.

(4) For the purpose of reckoning service for pension under the rules and orders referred to in sub rule (1), the leave availed of by an absorbed employee before the appointed day shall count to the extent admissible under the Liberalised Pension Rules.

(5) The provisions of sub rule (4) shall apply also in the case of a person who has availed of leave under the Leave Rules, 1949 on or after the appointed day even though he counts his service under Portuguese Pension Rules by virtue of the option under sub rule (2).

11. Retirement and Superannuation.—(1) In the matter of retirement and superannuation an absorbed employee shall be subject to the Indian Railway Rules.

(2) An absorbed employee who has retained the Portuguese Pension Rules and who on the appointed day has attained the age of superannuation under the Indian Railway Rules shall be granted leave on average and half average pay from that day not exceeding the amount of leave credited to his leave account under rule 6 subject to the maximum limits on the availability of such leave on any one occasion and he shall retire from service on the expiry of such leave;

(3) The leave which may be granted under sub rule (2) shall not extend beyond the date on which the employee attains the age of 65 years.

12. Travelling Allowance.—An absorbed employee shall draw travelling allowance in accordance with the Indian Railway Rules.

13. Running Allowance.—An absorbed employee who comes under the classification of running staff under the Indian Railway Rules will be entitled to running allowance under those rules from the appointed day.

14. Other Allowances.—(1) An absorbed employee shall have the option to draw either the family allowance and the two *ad-hoc* allowances in accordance with the rules in force immediately before the appointed day or to draw the allowances and concession specified in sub rule (3).

(2) Where an absorbed employee opts for the family allowance and the two *ad-hoc* allowances under sub-rule (1), the amount of any such allowance which he may draw on or after the appointed day shall not exceed the amount of that allowance drawn by him immediately before the appointed day. He will have another option on any subsequent occasion when there is either an increase in the allowances and concessions specified under sub rule (3) or a decrease in the allowances under this sub rule.

(3) An absorbed employee who does not opt for the family allowance and two *ad-hoc* allowances under sub-rule (1) shall draw Dearness Allowance, House Rent Allowance, Compensatory Allowance, Children Educational Assistance and reimbursement of tuition fees in accordance with the Indian Railway Rules.

15. Personal pay to count as pay in certain cases.—Personal pay granted under rule 4 shall be counted as pay not only for the purpose of leave salary and pension but also for other purposes such as Dearness Allowance, Passes, travelling allowances, etc.

16. Passes, Privilege Ticket Orders and Medical attendance.—The absorbed employees shall be governed by the Indian Railway Rules.

17. Provision as to other matters.—The conditions of service of absorbed employees relating to matters for which no provision has been made in the foregoing rules shall be governed by the Indian Railway Rules.

18. Exercise of option.—(1) The option under sub rule (2) of rule 10 or sub rule (1) of rule 14 shall be exercised in writing so as to reach the appointing authority mentioned in rule 2(c) within six months from the appointed day.

(2) The option shall be intimated by the absorbed employee in such form as the Railway concerned may prescribe;

(3) The option under sub rule (2) of rule 10 and the option to draw the allowances and concessions specified in sub rule (3) of rule 14 once exercised shall be final.

19. Regulation of pay in cases of promotion made before the appointed day.—An absorbed employee promoted to a higher post on or after the 1st May 1963 and before the appointed day shall be entitled to draw pay in the higher post in accordance with the Indian Railway Rules.

20. Disciplinary proceedings.—Disciplinary proceedings pending against an absorbed employee on the appointed day shall be continued and disposed of in accordance with the Law under which they were started.

21. T.B. Treatment benefits.—The special scheme in regard to these benefits will be discontinued with effect from 1st October 1966. The recoveries made from the staff for these benefits with effect from 1st May 1963 will be refunded.

22. Rent free accommodation.—Only such of the absorbed employees as were appointed before 31st December 1945 and who held substantive posts in the entitled category on that date will be eligible to carry the privilege of rent free quarters, when allotted, for so long as they hold either in a substantive capacity or in an officiating capacity a post in the entitled categories.

23. Interpretation.—If any question arises relating to the interpretation of these rules, the same shall be referred for decision to the Ministry of Railways (Railway Board) and thereupon they shall decide the same.

[No. E(G)63TR4-2.]

P. C. MATHEW, Secy